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HISTORY AND THE HUMANITIES AT RICE BETWEEN TWO WARS

by

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PART II

In the spring of 1935 another interesting visitor came on the Rice campus in the person of Samuel Eliot Morison, Professor of History at Harvard University. Morison was at that time a historian of marked distinction and was busily engaged in the preparation of the Tercentennial History of Harvard University which contributes greatly to our knowledge of the intellectual and cultural history of the colonial period. His reputation was solidly established with the Maritime History of Massachusetts behind him, and was to be enhanced in the next decade by his Columbus, Admiral of the Ocean Sea. After the Second War commissioned a Rear Admiral in the United States Navy he produced his magisterial History of United States Naval Operations in World War II in fifteen volumes, portions of it based on his firsthand witness of the operations described. In addition he was the author of a general history of the United States, known in its original

form as the Oxford History of the United States, published in 1927, of which the original conception had been suggested to him by his experiences elucidating American history at Oxford University where he had been honored with the Harmsworth Professorship since held by our own Frank Vandiver. The original Oxford History has subsequently passed through various transmogrifications. In its present form it is designated the Oxford History of the American People (1965) and is still accounted one of the finest general histories of our country of convenient size suited both to the general reader and for classroom use at the college and university level. It is interpretative throughout and occupies a place never to be confused with the banal text-book that so often stultifies modern education.

However, in 1935 since Morison's current interest dealt primarily with colonial higher education, President Lovett decided to invite him to give a series of lectures on the History of Universities with special emphasis on the American Colonial College. The impact of Morison's visit was felt in his presence as well as in his lectures. His sharp wit, mordant observations and complete aplomb attracted attention if not agreement. Many of his observations had at least an oblique application to existing conditions. Thus speaking of the colonial teacher he remarked: "In those simple days teachers were supposed to know the subject they professed, not merely to be trained in teaching methods by teacher's teachers at teacher's colleges. Hence no amount of godliness, good will or inspiration could compensate for want of learning." (12) Coming more directly to the educational program at Rice he urged the introduction of a college system perhaps suggested by the Harvard House Plan then recently introduced, and anent the establishment of our Department of Physical Education and increased emphasis on football he remarked dryly: "Now you are no better than we are."

An incident of some interest involved a trip to the San Jacinto Battleground which Dr. Lovett had arranged for Professor Morison and myself accompanied by Judge Wharton, a well known figure in Texas history in those days. Arrived at the Battlefield Judge Wharton recited with deep feeling the consequences of the collision of Mexican and Texan arms, enumerating particularly the independence of Texas and eventually the acquisition of the whole vast Southwest to the Pacific. These facts of history were not new, of course, to Morison but to me the earnestness of the Judge brought home a sense of immediacy and nearness to that past which I have never forgotten. In some wise the Republic of Texas seemed disproportionately closer in 1935, a time when San Jacinto Day was still a Holiday on the Institute Calendar, than it does in 1967, without the Holiday. The lineaments of that past were still discernible in spirit on that battlefield, and in my classes during this interwar period I taught a great-great granddaughter of Sam Houston, a great-great grandnephew of Mirabeau Lamar, and two young ladies, one related to Stephen F. Austin and the other to James Bowie.

The Rockwell Lectures were established much later and are still important features of our lecture program. Devoted to religious subjects, the first Rockwell series was delivered in April, 1938, by Sir Robert Alexander Falconer, former President of the University of Toronto. Many lecturers of high distinction have graced this program but none it seems to me more significant than the exceptional series presented on April 2, 3, and 4, 1940 by Roscoe Pound, at that time University Professor at Harvard University and formerly Dean of the Harvard Law School. Dean Pound was one of the later surviving professors from Harvard's academic Golden Age. He was a man of impressive presence and commanding intellect. His choice of subject was "Law and Religion" which gave him ample opportunity to develop his views on the natural law and indicate its

various ramifications in legal thinking from antiquity to the present. Its relevance to religion is readily apparent when considered in its medieval context that the law of nature may be identified with the will of God. Dean Pound was one of the last great champions of the natural law theory as opposed to the will theory of jurisprudence which runs rampant in contemporary legal thinking. One cannot but be impressed that in Pound's views the intellectual order begins with God and derives from God and obtains significance in God as opposed to man-centered views which consider that what is ultimately right is that which can be enforced through might. It is the ancient confrontation of Socrates and Thrasymachus that we find in Plato's Republic. If we say with St. Paul that the things of this world are seen but the things of the spirit are unseen, and if further we make application of this to politics, then we may say that the might of this world is seen but justice and the spirit of righteousness are unseen. They are among those "greatest and noblest truths which have no outward images visible to man" as Plato tells us in his Republic. Even in politics this world is not enough. And Dean Pound could well use the medieval figure here as he has elsewhere that from the aspect of eternity these truths require no demonstration. (13) Pound maintains consistently the idealist position in law and rejects utterly modern American Realism in law which holds that "law is whatever is done officially. It is what judges and magistrates and administrative officials of every sort do about man's disputes and is law because they do it... The idea of right or a right is wholly rejected." And so for the Soviet position he observes: "in the ideal society there will be no law, or rather but one rule of law, namely that there are no laws but only administrative ordinances and orders." Therefore he argues "whether we think of a systematic and predictable social outlook or only a regime of ordering society by force.. this determines whether we live under law or under men. From the Middle Ages the Englishman has rejected a

social control depending on the personality of an individual and has stood for one made to the pattern of a constant and regular order of nature, operating on principles, and a moral order equally constant and regular and rational, made to a pattern of an Eternal not ourselves who makes for righteousness." (14) Nowhere can there be found a more explicit and decisive statement of the natural law position than in Dean Pound's Rockwell Lectures since Cicero wrote in the De Republica: "True law is right reason consonant with nature, diffused among all men, constant, eternal... Reason has by nature been given to all men, and if so, right reason and law, and if law then right. For there is one law by which the society of men is held together, and one lex has established it. That lex is right reason in commanding or forbidding, and one who disregards it is unjust whether it has ever been written or not." (15) There is a Higher Law above the decrees of kings, the statutes of Parliaments, the decisions of judges and administrative guidelines, and these are no law unless consistent with right reason. Otherwise their enforcement depends upon acts of force not binding on either conscience or reason. But the critical question remains: Who decides? The individual as in Sophocles' Antigone or Glover's frustrating Supreme Court? Actually the natural law presumes a sufficiently dispersed residue of right reason among universal mankind that there is a common consensus concerning right and wrong as evinced in the Decalogue specifically and in the Roman law of peoples (ius gentium) more generally.

Proceeding on this principle that the law of nature is the law of God, Pound developed the thesis that "Liberty had a spiritual value. Law was to secure liberty. Constitutions were to be guarantees of liberties, not merely frames of government. Law must rest on some unchallengeable authority above the reach of the arbitrary will or caprice of any man or set of men." (16) In general he held that arbitrary power

can best be restrained by maintaining separation of powers through checks and balances, a device that reaches back through Montesquieu to Polybius. It may be observed further that, while kings can be deposed and Parliaments unseated, a judiciary is likely to be the most refractory. There is a long tradition in Anglo-American political thought running back to the Star Chamber and beyond that judges should best be restrained. Indeed, Pound notes that "The Puritan was unwilling to have verdicts of juries reviewed by judges, and believed appeal from judgment of a court was best disposed of by trial to another jury in a higher court. Even that juries in criminal cases should be judges of the law as well as of the facts." (17)

For Pound, however, the most threatening factor in politics and a most grievous disease of the body politic is not so much the vagaries of the judiciary as the development of administrative law and a bureaucracy to implement it. Again and again in these lectures he reverts to this subject. I cannot do better than quote him at some length on this matter. "The substitute for the legal order chiefly urged today is administrative absolutism, the committing of the adjustment of relations and ordering of conduct to the unfettered discretion of administrative boards or bureaus or officials tied down by no rules and subject to no review unless that of a superior in a bureaucratic hierarchy. Judges proceeding according to law by applying an authoritative technique to authoritative guides to decision are to be superseded by 'decision-makers' trained in the 'technicalities of factual problems'. To the three basic traditional departments of government, legislative, judicial and executive, would be added a fourth, the administrative. In this polity the administrative department is to be independent of and coordinate with the other three, but is to have complete rule-making, executing and adjudicating authority along with its guiding or directing jurisdiction. Under such a plan, the administrative department with no check upon it

and no review of its action, and with regulative power over every relation and every activity, could exercise an unrestrained will to power superseding every other agency of politically organized society. It is significant that ideas of this sort are being urged in all countries today." Finally with specific reference to Soviet Russia, Pound concludes: "In the ideal society there will be no law, or rather only one rule of law, namely, that there are no laws, but only administrative ordinances or orders." (18)

It is clear as Pound views the matter that the administrative has a characteristic lacking in the three traditional branches, namely, the ability to absorb their functions into itself. Accordingly it makes its own rules, carries them into effect, and sits in judgment on cases arising therefrom. The administrative department is organized in a variety of agencies, administrations, bureaus, commissions, and the like which are essentially its provinces and dukedoms. Ordinarily these administrative areas are established and their powers granted by an act of the primary legislature. However, they constitute a political organization capable of independent growth and proliferation within the body politic. This is especially true if they succeed in obtaining a grant of the taxing power from the primary legislature that could make them independent of it. Further their normal process of growth involves a hierarchical arrangement in graded levels which is peculiarly adapted to administrative bureaucracy. Finally their growth may be accompanied by the development of group dynamics processes providing a controlled means for consulting the popular will and guiding it to the desired predetermined conclusion. In this way the controlling power may guide and direct a desired consensus along the various hierarchical levels from the lowest to the highest. Such a political device is essentially a dictatorship and an adaptation of Byzantine principles to modern conditions. Pound had deep misgivings concerning the impact of such institu-

tions upon traditional American concepts of limited government. They seemed to be directed along the highway of autocracy and absolutism. Under a guise of solicitous benevolence they substituted security for liberty but in so doing transformed the citizen into a subject.

Prior to his Rockwell Lectures Dean Pound gave a commencement address on June 6, 1932, entitled "Some Analogies from History," the significance of which was probably not fully grasped at the time. It provided a historical or better metahistorical frame of reference within which many of his basic positions obtain clearer meaning. He pointed out that the great periods of history according to present day judgments were "eras of great small things, of activities of great political significance carried on in relatively small self-sufficient localities, of world-wide relations and achievements, not of organized men or organized mankind, but of individual men in and through small states. (19) In accord with such standards of value the Greek city-states, the Roman republic, the era of rising nationalism in western Europe and colonial America receive high standing. Conversely the negligible periods have been the Hellenistic kingdoms, the Roman Empire, the Byzantine Empire, and the later Middle Ages. These periods "did not accord with the picture of Nineteenth Century society, in the image of which the century of history wrought." Then Pound asks these questions: What have the eras which were deemed historically worth while in common? What have the supposedly negligible eras in common? He replies: "Chiefly the former were capable of interpretation as individualist. They had the appearance of eras of freedom while the latter appeared eras of political subjection. Also western Europe after the reformation was nationalist and had faith in the local as contrasted with the universal. The ideas of world unity in the Hellenistic era, of a world empire in imperial Rome and Constantinople, and of universal spiritual

and temporal authority in the Middle Ages, were alien to the spirit of the century of history. Finally, and not the least, on the one hand we have eras of comparative luxury and complexity...In the world of today, beneath the surface at any rate, in law and in politics the cult of the local is giving way to a revived faith in the universal. The self-sufficient individual is being replaced by the individual in relation. The regime of free competitive self-assertion is being supplanted by one of cooperation." (20)

It has been remarked that the periods of history most highly esteemed are those in which the present sees itself reflected most clearly. This narcissistic view of the function of history finds curious contemporary expression in the preface of Lynn White's fine symposium dealing with Edmond Gibbon. Here the function of history is defined as the discovery of ourselves in the mirror of our thoughts about the past. In accord with such an approach to history the simpler rural agricultural America of the early Nineteenth Century could applaud Plutarch's Greek or Livy's Roman heroes. But the urban industrialized American of the late Twentieth Century finds far better counterparts in Ptolemaic Alexandria, Hadrianic Rome or Justinian's East Roman Empire. These were megalopolitan structures involving huge concentrated nuclei of humanity which had to be supported, governed and controlled. Individual independence is replaced by communal interdependence. Intricate economic diversification displaces the self-sufficient village or manor. Specialization emerges in all aspects of human activity, and with it the professional man with his specialized techniques. And everywhere the monstrous size of this accumulated humanity with its cosmopolitan world-wide outlook and interests demands organization and ordered administration. In turn the ever expanding and interpenetrating activities of government lead to a more or less benevolent absolutism on the one hand and a hierarchical bureaucratic departmentalization on the

other. The universal scope of these interests begets consolidation in great territorial empires which are formed out of an homogenization of peoples. And in the Union of Hearts of Alexander the Great can be discerned idealistic glimmerings of Leagues of Nations and united peoples. This leads to two of Glover's type of right questions. Is it possible that the conditions of political liberty and economic freedom of movement suited to simpler human structures can be continued in the new urban environment with its massive consolidation? What form of state organization is best adapted to handle the new social situation created by the vast urban masses demanding sustenance and security, threatening turbulence, and eagerly seeking diversion and entertainment? It is in such a medium as this that the enormous proliferation of administrative and hierarchical bureaucracy finds its raison d'être. In his Rockwell Lectures Dean Pound shows how legalized administrative absolutism is inconsistent with the natural law while in the commencement address given earlier he established a metahistorical frame of reference that illustrated the causes of this phenomenon.

Another series of lectures of a very different sort deserves some attention before concluding these remarks. This was a course of three public lectures delivered on the Sharp Foundation on January 12, 13, and 14, 1937, by Edward Kennard Rand, Pope Professor of Latin and Honorary Curator of Manuscripts at Harvard University. His subject was "Horace and the Spirit of Comedy." Professor Rand held the Pope chair in Latin at a time when Harvard enjoyed immense prestige in classical studies. In technical scholarship Rand's competence in palaeography was of the highest order. His definitive studies of the manuscripts of Tours established his international reputation, but his interests extended to every variety of classical and medieval manuscript material. One of the most pleasant memories of my graduate days at Harvard was the privilege of working in Dr. Rand's study with his

collection of palaeographic facsimiles. He was a superb Latinist and his range of learning prodigious. He was equally at home in the Latin tongue whether his source materials were in the classical or medieval Latin style and idiom. His published work extended from Augustan Rome to the Augustinian Middle Ages. His lectures here at Rice dealing with the poet Horace found Rand at his exquisite best in classical interpretation. It so happened, however, that his visit came at a time when my upper level medieval course was reading his splendid Lowell Institute Lectures published by the Harvard University Press in 1928 under the title of The Founders of the Middle Ages. Consequently I was bearing in mind the facility with which he passed back and forth across the arbitrary chronological boundaries separating antiquity from the medieval period. And so brashly I introduced this great scholar with an atrocious pun for which he graciously forgave me. At the expense of Carlyle's Sartor Resartus I introduced Dr. Rand as Salto Resaltus, one who leaps from the far classical side of the abyss that separates antiquity from the Middle Ages and, having landed safely, then leaps back again to Horace. However, in serious matter of fact, Rand was one of the founders of the Mediaeval Academy of America and its first president as well as a leading figure in the entire field of organized classical scholarship. But his basic interests and approach to learning were humane rather than scholastic. Dr. Lovett remarked later that it seemed to him Rand's lectures on Horace fulfilled the function of humane letters more completely perhaps than any other comparable series given at the Institute.

Rand's devotion to exact learning never wavered; he could smother ignorance and pretentiousness under an irony worthy of Lucian or Erasmus but veiled beneath Horatian humor. His choice of Horace with some added reflections upon the indebtedness of Erasmus to Horace in the last lecture was perfectly suited to his talent as literary artist. In many ways these lectures upheld

the same standards of qualitative performance and recognition of degrees of excellence that Cram had advocated in such militant manner a few years earlier. Both were artists, and the belles-lettres and the fine arts find common ground for qualitative judgments in their work. Rand tells us: "The highest reaches of the spirit are attained by intuition. Reason, not sentiment alone, is the path to things, but there comes a final plunge, or rather soaring, into an air that reason cannot breathe. 'If you ask me,' says St. Augustin. 'I know not. If you ask me not, I know'." Then passing to his analysis of the Spirit of Comedy he continued: "The laughter of the Comic Spirit is gentle and humble. It has no tinge of irony or derision or indignation. It utters no malediction, and applies no flail of chastisement. It judges not, else it is judged. It forgives those who know not what they do. And yet is none the less keen.. ...The Spirit of Comedy is no foe of the imagination, or romance, or poetry, or piety; only when the dreamer, the prophet, or the priest acts with proud complacency on his part, does it look wonderingly at him with 'a slim, feasting smile'." (21) Penetrating more deeply into the spirit of Horace, we learn that Horace invented the art of ridiculing the third person in the guise of the first. "It is the slim, feasting smile turned inwardly with ironic purpose. It is the ultimate purging of egotism." (22) The reader asks "'Does he really mean himself, or dreadful thought, does he mean me?'" (23) Indeed, all that vulgar, insistent, presumptuous humanity that wells up from the depths of urban life as did the bore whom he met strolling along the Sacred Road one day (Satire, I, 9) Horace treats "with that utter courtesy which hides an irony --that slim, feasting smile--too delicate for the bore to see." (24) "His deftness at side threats has often been noted; his use of an incidental fool to illustrate a general folly," (25) a vue générale of a mad world enlarged by Erasmus into a summa stultitiae, in Praise of Folly. But Horace and Erasmus alike never deviate from the medieval advice, never to fool with a fool.

From this prospect one has not far to go to the Augustinian reflection that "the wisdom of this world is but foolishness in the sight of God" (Sapientia huius mundi stulticia est apud Deum). Rand's identification with Horace seems to me to emerge in his musing: "It is the shimmering light of the Comic Spirit that has been for me the special charm of Horace's odes for over forty years.....A cynic is one who takes himself seriously but not his world. An horatian is one who takes his world seriously but not himself....Horace's endeavor is to make things his slaves and not himself the slave of things." (26) For those who wish to share more fully Rand's profound appreciation of our Roman heritage, I commend his last great work published in 1943, The Building of Eternal Rome.

And so back to where we began this evening. The central compelling motif of the interwar period was the continued depression which darkened the bright promise of the first years of our school. Meanwhile from without the dark malevolent forces of the totalitarian monster cast their sombre pall over that happiness which is the sweetest fruit of freedom. It truly seemed that black midnight had closed upon the free world with the conclusion of the Berlin-Rome-Tokyo axis under the Tripartite Pact of September 27, 1940, which in turn had been preceded by the Russo-German non-aggression treaty of August 23, 1939. All these trials were part of the burden borne by our school in the months preceding Pearl Harbor. No wonder most felt and ardently hoped that the new morning after the Second War would bring the fulfillment of hopes long deferred. All these factors find expression in the utterances of the distinguished scholars who visited our campus and spoke their words of counsel and wisdom constituting an incomparable record of the intellectual and cultural life of that beleaguered time. The measure of the greatness of the old Rice Institute may be found in its response to the challenges we have just been noting. For our passing generation we trust that the spirit of

the old Rice Institute may find an enduring receptacle in the physical embodiment of the new university: the substance of things hoped for and the evidence of things unseen. May it always manifest the ideals of the old school: beauty, happiness, gentleness, grace, self-reliance, self-respect, scholarship without pendency and humanity in thought and deed.

As for the future of history and the humanities at Rice I cannot do better than return to Dr. Axson's commencement address where, reflecting on Woodrow Wilson's bewilderment amid the chaos of the 1914 war and its seeming destruction of established values, he turned to seek the wisdom of the past and interpret it in the light of the tortured present. In true Thucydidean manner he sought the guide posts of the past that could show the statesman the way to the future. And so I repeat Dr. Axson's injunction: "I say to you, young men and women, that if you throw all the past overboard, you will build a cubist civilization, bizarre, insecure--the modes of thought of the present are part of your equipment, but with all of that equipment you cannot without disaster jettison the past. All that has been learned in all the centuries contains some guiding matter for you, even you. Not to discard the past, but to understand it more deeply is part of your work." (27) These words may well serve as the bastion upon which historical and humanistic study are established at Rice. They lead from darkness unto light.

Footnotes.

12. Ibid., XXIII, 4 (Oct., 1936), 250.

13. I would prefer to render this beautiful but somewhat difficult phrase--a specie aeternitatis--from the bantage-point of eternity. Santayana has translated it more literally--under the form of eternity.

14. Pamph., XXVII, 2 (April, 1940), 112-113.
15. See C. H. McIlwain, The Growth of Political Thought in the West (New York: Macmillan, 1932), pp. 111, 113. Cf. Cicero, De Republica, III, 31-33.
16. Pamph., XXVII, 2 (April, 1940), 120-121.
17. Ibid., 141.
18. Ibid., 163-164.
19. Ibid., XIX, 4 (Oct., 1932), 356-357.
20. Ibid., 358-359.
21. Ibid., XXIV, 2 (April, 1937), 39-40
22. Ibid., 52.
23. Ibid., 110.
24. Ibid., 57.
25. Ibid., 78.
26. Ibid., 81, 83, 85.
27. Ibid., XII, 3 (July, 1925), 189-190.

Because of problems of space it was not practicable to publish the entire address in one issue. Part I appeared in the January FLYLEAF; Part II concludes the address.

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